

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

FRANCIS W. HOOKER, JR.,

Plaintiff,

v.

SIRIUS XM RADIO INC.,

Defendant.

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) **Civil Action No. 4:13-cv-00003 (AWA)**
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MOTION TO DISMISS PURSUANT TO RULE 12(b)(1)

Defendant Sirius XM Radio Inc. (“Sirius XM”) hereby moves this Court to dismiss this case pursuant to Rule 12(b)(1), as Plaintiff’s claims are moot. Sirius XM’s Memorandum in Support of this Motion and the Declaration of Jeffrey A. McSorley dated October 27, 2015 have been filed simultaneously herewith, and a proposed order is attached as Exhibit A to this Motion.

Dated: October 27, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on October 27, 2015, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notification to the following ECF participants:

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